

Message Text

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ORIGIN ORM-03

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FM SECSTATE WASHDC

TO AMEMBASSY BUJUMBURA IMMEDIATE

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E.O. 11652: N/A

TAGS: SREF, CVIS

SUBJECT: REQUEST FOR BACKGROUND ON HANDLING REFUGEES

REF: BUJUMBURA 282

1. 2 FAM 227 INCORPORATED THE PROVISIONS OF A270 OF JANUARY 11, 1972 WHICH IN TURN SUPERSEDED INTERIM GUIDANCE ON POLITICAL ASYLUM CONTAINED IN STATE 200236 OF 9 DEC. 1970. COPIES OF PRESENT REGULATIONS BEING AIR POUCHES. FOLLOWING, HOWEVER, ARE MOST IMPORTANT EXTRACTS.

2. USUAL EMBASSY PROCEDURE IS FIRST TO DETERMINE WHETHER AN APPLICANT FOR ASYLUM QUALIFIES AS DEFECTOR. IF NOT, HE IS THEN HANDLED ACCORDING TO REGULATIONS IN 2 FAM 227 OR A-270.

3. FOREIGN NATIONALS WHO REQUEST ASYLUM OF THE UNITED STATES GOVERNMENT OWING TO PERSECUTION OR FEAR OF PERSECUTION SHOULD BE GIVEN FULL OPPORTUNITY TO HAVE THEIR REQUESTS CONSIDERED ON THEIR MERITS. THE REQUEST OF A PERSON FOR ASYLUM OR TEMPORARY REFUGE SHALL NOT BE ARBITRARILY OR

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SUMMARILY REFUSED BY U.S. PERSONNEL. BECAUSE OF THE WIDE

VARIETY OF CIRCUMSTANCES WHICH MAY BE INVOLVED, EACH REQUEST MUST BE DEALT WITH ON AN INDIVIDUAL BASIS, TAKING INTO ACCOUNT HUMANITARIAN PRINCIPLES, APPLICABLE LAWS AND OTHER FACTORS.

4. ACTION WITH REGARD TO THIRD COUNTRY NATIONALS SEEKING ASYLUM SHOULD NORMALLY BE TAKEN WITHIN THE OVER-ALL POLICY THAT THE GRANTING OF ASYLUM IS THE RIGHT AND RESPONSIBILITY OF THE GOVERNMENT OF THE COUNTRY IN WHOSE TERRITORY THE REQUEST IS MADE. UNLESS THE EMBASSY DEEMS THAT THERE ARE COGENT REASONS FOR NOT DOING SO, THESE AUTHORITIES SHOULD BE INFORMED BY THE EMBASSY AS SOON AS PRACTICABLE OF THE REQUEST FOR ASYLUM.

AS A RULE, A DIPLOMATIC OR CONSULAR OFFICER; SHALL NOT EXTEND ASYLUM TO PERSONS OUTSIDE OF THE OFFICER'S OFFICIAL OR PERSONAL HOUSEHOLD. REFUGE MAY BE AFFORDED TO UNINVITED PERSONS WHO ARE IN DANGER OF SERIOUS HARM AS FROM MOB VIOLENCE, BUT ONLY FOR THE PERIOD DURING WHICH ACTIVE DANGER CONTINUES.

TO THE EXTENT CIRCUMSTANCES PERMIT, PERSONS GIVEN TEMPORARY REFUGES SHOULD BE AFFORDED EVERY REASONABLE CARE AND PROTECTION. THE MEASURES WHICH CAN PRUDENTLY BE UTILIZED IN PROVIDING THIS PROTECTION MUST BE A MATTER FOR DECISION OF THE SENIOR U.S. OFFICIAL PRESENT AT THE SCENE, TAKING INTO CONSIDERATION THE SAFETY OF U.S. PERSONNEL AND THE ESTABLISHED SECURITY PROCEDURES FOR THE UNIT OR INSTALLATION CONCERNED. PROTECTION SHALL BE TERMINATED WHEN THE PERIOD OF ACTIVE DANGER IS ENDED, EXCEPT THAT AUTHORITY TO DO SO SHALL BE OBTAINED FROM THE DEPARTMENT OF STATE.

5. REQUESTS FOR ASYLUM OR REFUGE SHOULD BE REPORTED BY IMMEDIATE TELEGRAM. 2 FAM 227 THEN SETS FORTH MATERIAL TO BE SUBMITTED TO DEPT. WHICH INCLUDES FULL BIOGRAPHIC DATA, INCLUDING COMMUNIST PARTY AFFILIATIONS AND REASONS FOR CLAIMING REFUGEE STATUS.

6. THE UNITED STATES IS PREPARED IN THE CASES OF SELECTED REFUGEES TO PROVIDE CARE AND MAINTENANCE, AND TO ASSIST IN LOCAL SETTLEMENT IN THE COUNTRY OF FIRST ASYLUM OR IN LIMITED OFFICIAL USE

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ANOTHER COUNTRY OF RESETTLEMENT, INCLUDING THE UNITED STATES. SUCH ASSISTANCE IS NORMALLY PROVIDED THROUGH VOLUNTARY AGENCIES UNDER A CONTRACT WITH THE DEPARTMENT OF STATE. IN CASES WHERE THE EMBASSY OR CONSULAR POST HAS DETERMINED THAT U.S. ASSISTANCE IS WARRANTED, IT SHOULD TELEGRAPH THE DEPARTMENT OF STATE RECOMMENDING THE TYPE AND EXTENT OF INITIAL AID AND ULTIMATE RESETTLEMENT CONSIDERED MOST SUITABLE. RUSH

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